

REMARKS/ARGUMENTS

In this amendment, claims 1 and 17 are amended to change “certain” time point into “specified sampling” time point to specify that the time point is not an arbitrary time point but a specified sampling time point when a data packet flow is intended to be transferred; claim 3 is amended for better expression; and claim 4 is amended to recite that the operation of the tag value is an XOR operation of the DMAC/IP/TCP address. No new matter is introduced. Furthermore, claim 6 is cancelled without prejudice.

Claim Rejections – 35 USC § 102

The Office Action rejected the pending claims 1-4, 6-19 and 21 under Section 102(e) as being anticipated by Kadambi.

Re claims 1 and 17

Kadambi fails to teach or suggest that a second data packet flow having the least data packet amount at a specified sampling time point among said plurality of data packets and assigned to said first data channel is optionally transferred. In other words, according to the present invention, a data packet flow qualified to be transferred is first determined (the one having the least data packet amount), and whether the qualified data packet flow is to be actually transferred or not is then determined (according to a total packet amount). On the contrary, Kadambi only determines whether a second frame (no other candidates) is to be transferred or not.

In “Response to Arguments” section of the Office Action, Paragraph 3, the Examiner states that “A person having ordinary skill in the art recognizes that the amount of packets in various packet flows fluctuate over time; hence at *certain* different *time points* each one of the various packet flows will have the *least amount of data packets*. Therefore, the *second packet flow*, at some definite *time* during the *time* interval of the device operation has the *least amount of packets*.” The Applicant respectfully disagrees with the foregoing comparison to the present invention. The Applicant agrees that the amount of packets in various packet flows fluctuate over time, and thus at certain different time points each one of the various packet flows possibly

has the least amount of data packets. However, according to the present invention, only the packet flow having the least amount of data packets at a specified sampling time point is concerned for data packet transference. This feature is not taught or suggested by Kadambi. Therefore, Applicant respectfully submits that claims 1 and 17 are not anticipated by Kadambi.

Re claim 4

Kadambi fails to teach or suggest any XOR operation performed on a tag value selected from at least one of the following: a destination media access control (DMAC) address, an internet protocol (IP) address and a transmission control protocol (TCP) address. Therefore, claim 4 is novel over Kadambi.

Re claim 12

Kadambi fails to teach or suggest any step of transmitting a broadcast data packet after said first data packet flow via said first data channel when said second data packet flow is determined to be transferred from said first data channel to a second data channel. The cited paragraphs [0104] and [0161] of Kadambi's patent do not even show connections therebetween.

Re claims 2-4, 7-16, 18-20 and 21

Since claims 2-4 and 7-16 depend from claim 1 and claims 18-20 and 21 depend from claim 17, Applicant respectfully submits that these claims are not anticipated by Kadambi.

In view of at least the foregoing, Applicant respectfully requests withdrawal of the rejection under Section 102(e) and allowance of currently pending claims 1-4, 7-19 and 21. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/757,969
Amdt. dated May 21, 2008
Reply to Office Action of March 12, 2008

Respectfully submitted,

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<p>The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0843.</p>
